

## LEGISLATIVE MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

October 23, 2014

The Marlboro Township Council held its regularly scheduled Council Meeting on October 23, 2014 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Metzger opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regular meetings of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 6, 2014; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building; filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilwoman Marder, Council Vice President Mazzola and Council President Metzger. Councilman Cantor, Councilman LaRocca were absent.

Also present were: Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Council Vice President Mazzola moved that the minutes of October 2, 2014 be approved. This was seconded by Councilwoman Marder and was passed on a roll call vote of 3 - 0 in favor (Absent: Cantor, LaRocca).

As the consent agenda, the following resolutions were introduced by reference, offered by Council Vice President Mazzola, seconded by Council President Metzger, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, LaRocca): Res. #2014-355 (Authorizing Application to NJ FY2014 Body Armor Replacement Program), Res. #2014-356 (Authorizing Budget Amendment Chapter 159 - 2014 Municipal Alliance Grant), Res. #2014-357 (Authorizing Budget Amendment Chapter 159 - 2014 Drunk Driving Enforcement Fund Grant), Res. #2014-358 (Authorizing NJDOT Local Aid Grant Application/Bikeways), Res. #2014-359 (Authorizing Award of Bid - Generator Rental), Res. #2014-360 (Authorizing Transfer and Acceptance of Surplus Military Equipment from US Dept of Defense

(DOD) 1033 Program), Res. #2014-361 (Authorizing Amendment to Shared Service Agreement with Marlboro Bd of Ed for Janitorial Services), Res. #2014-362 (Authorizing State Contract for Replacement of Diesel Fuel Tank (2014 Capital 121-12)), Res. #2014-363 (Refund for Overpayment B 159, L 10.10), Res. #2014-364 (Hydrant Meter Refund - Camelot@ Marlboro) and Res. #2014-365 (Redemption Tax Sale Certs - Various).

RESOLUTION # 2014-355

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO APPLY  
FOR THE NJ FY2014 BODY ARMOR REPLACEMENT PROGRAM FUNDING  
FROM THE NEW JERSEY DEPARTMENT OF CRIMINAL JUSTICE  
FOR THE MARLBORO TOWNSHIP POLICE

WHEREAS, the State Body Armor Replacement Fund Program is provided to assist all eligible law enforcement agencies in offsetting costs of purchasing body armor vests for their officers; and,

WHEREAS, the funds are dedicated funds and cannot be used for any other purpose; and,

WHEREAS, the Township wishes to apply for the maximum amount of funding available to offset the costs for replacement vests; and,

WHEREAS, the funding is a reimbursement that is requested after confirmation of receipt of the ballistic vest.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Township is hereby authorized to submit an application to the New Jersey Department of Criminal Justice and execute an agreement for funding from the FY2014 Body Armor Replacement Fund.

RESOLUTION # 2014-356

RESOLUTION REQUESTING APPROVAL OF ITEMS OF  
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2014 in the sum of \$26,789.00, which has been received by the municipality for the 2014 portion of the "2014/2015 Municipal Alliance" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$26,789.00 be hereby appropriated under the caption "2014/2015 Municipal Alliance" Grant.

RESOLUTION # 2014-357

RESOLUTION REQUESTING APPROVAL OF ITEMS OF  
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2014 in the sum of \$12,529.32, which items are now available as a revenue from the New Jersey Department of Law and Public Safety as the "Drunk Driving Enforcement Fund".

Section 2

BE IT FURTHER RESOLVED that the amount of \$12,529.32 be hereby appropriated under the caption "Drunk Driving Enforcement Fund".

RESOLUTION # 2014-358

Township of Marlboro

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the "Route 79 - Station Road Bicycle Path Improvements" project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Marlboro formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2015-Marlboro Township-00035 to the New Jersey Department of Transportation on behalf of the Township of Marlboro.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Marlboro and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council On this 23<sup>rd</sup> day of October, 2014

RESOLUTION # 2014-359

A RESOLUTION AWARDDING CONTRACT TO FOLEY, INCORPORATED  
FOR THE PROVISION OF GENERATOR RENTAL SERVICE FOR  
THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS, and on October 9, 2014, received two (2) bids, as follows:

	Foley, Incorporated 855 Centennial Avenue Piscataway, NJ 08855	Sunbelt Rental, Inc. 2341 Deerfield Drive Fort Mill, SC 29715
1) Unit Price No. 1: 350kW Generator		
A) Mobilization		
1) Delivery and Retrieval	1,200.00	600.00
B) Stand-By		
1) 24 hour (1 day) rental	560.00	1,600.00
2) 7 day (1 week) rental	1,680.00	2,800.00
3) 30 day (1 month) rental	5,040.00	6,900.00
4) 90 day (3 month) rental	11,812.50	18,900.00
5) 120 day (4 month) rental	15,750.00	25,000.00
6) 150 day (5 month) rental	19,687.50	31,000.00
C) Operating Rate		
1) 24 hour (1 day) rental	1,680.00	1,800.00
2) 7 day (1 week) rental	5,040.00	3,300.00

2) Unit Price No. 2: 1000kW (minimum) Generator		
A) Mobilization		
1) Delivery and Retrieval	1,040.00	900.00
B) Stand-By		
1) 24 hour (1 day) rental	1,320.00	3,900.00
2) 7 day (1 week) rental	3,960.00	7,000.00
3) 30 day (1 month) rental	9,281.25	16,800.00
4) 90 day (3 month) rental	27,843.75	47,500.00
5) 120 day (4 month) rental	37,125.00	63,500.00
6) 150 day (5 month) rental	46,406.25	79,300.00
C) Operating Rate		
1) 24 hour (1 day) rental	3,960.00	4,150.00
2) 7 day (1 week) rental	9,900.00	8,000.00
Generator Size:	1,000-2,000 kW	1,000 kW
3) Unit Price No. 3: Multi-unit Pricing for One (1) 350kW Generator and One (1) 1000kW (minimum) Generator		
A) Mobilization		
1) Delivery and Retrieval	2,600.00	1,400.00
B) Stand-By		
1) 24 hour (1 day) rental	1,880.00	5,600.00
2) 7 day (1 week) rental	5,640.00	9,900.00
3) 30 day (1 month) rental	14,321.25	23,700.00
4) 90 day (3 month) rental	39,656.25	66,400.00
5) 120 day (4 month) rental	52,875.00	88,500.00
6) 150 day (5 month) rental	66,093.75	110,500.00
C) Operating Rate		
1) 24 hour (1 day) rental	5,640.00	5,900.00
2) 7 day (1 week) rental	14,940.00	11,300.00
Generator Size:	1,000-2,000 kW	1,000 kW

; and

WHEREAS, following a review of the bids, as described in a memo dated October 15, 2014 from the Acting Director of Public Works, it has been determined that the submission of the apparent lowest bidder for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS is responsive; and

WHEREAS, the Acting Director of Public Works has recommended the award of contract to Foley, Incorporated, the apparent lowest bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to accept the recommendation of the Acting Director of Public Works as set forth herein;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that a contract be awarded to Foley, Incorporated, whose address is 855 Centennial Avenue, Piscataway, NJ 08855 in an amount not to exceed \$98,573.75 for the PROVISION OF GENERATOR RENTAL SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS for a one-year period beginning on November 1, 2014, with an option to renew the contract based upon the same terms and conditions as specified in the bid proposal for an additional one (1) two-year period or two (2) one-year periods at the exclusive option of the Township; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Township Clerk to witness a contract with Foley, Incorporated, 855 Centennial Avenue, Piscataway, NJ 08855 in accordance with this resolution, the bid specifications, and in a form to be approved by the Township Attorney.

BE IT FURTHER RESOLVED funds shall be certified by the Chief Financial Officer prior to services being provided.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Foley, Incorporated
- b. Township Business Administrator
- c. Township Acting Director of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2014-360

AUTHORIZING THE TRANSFER AND ACCEPTANCE OF SURPLUS MILITARY  
EQUIPMENT FROM THE UNITED STATES DEPARTMENT OF DEFENSE  
(DoD) 1033 PROGRAM FOR THE MARLBORO DIVISION OF POLICE

WHEREAS, the 1033 Program (formerly the 1208 Program) permits the Secretary of Defense to transfer, without charge, excess U.S. Department of Defense (DoD) personal property (supplies and equipment) to state and local law enforcement agencies (LEAs); and

WHEREAS, the Municipal Council authorized the Township through the Division of Police (R 2014-217) to make application to the Department of Defense 1033 Program for military surplus equipment from the United States DoD; and

WHEREAS, the Division of Police made application and has received the transferred surplus equipment identified in Schedule A attached.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Marlboro that the Township through the Division of Police is hereby authorized to accept the military surplus equipment identified in Schedule A from the Department of Defense 1033 Program.

RESOLUTION # 2014-361

A RESOLUTION AUTHORIZING AMENDING THE SHARED SERVICES AGREEMENT WITH THE MARLBORO BOARD OF EDUCATION TO PROVIDE JANITORIAL SERVICES FOR THE MARLBORO TOWNSHIP DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro ("Marlboro") and Marlboro Board of Education ("Board" or "Lead Agency") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, on June 13, 2013 (R.2013-205) the Township Council of the Township of Marlboro authorized a shared services agreement with the Marlboro Board of Education for the provision of JANITORIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS beginning on July 1, 2013 through June 30, 2014 for an amount not to exceed \$80,436.00; and

WHEREAS, the shared services agreement included the option to renew said contract for two additional one-year periods; and

WHEREAS, on June 19, 2014 (R.2014-227) the Township Council of the Township of Marlboro authorized a one-year renewal of the shared services agreement with the Board of Education for the provision of JANITORIAL SERVICES FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS beginning on July 1, 2014 through June 30, 2015, for an amount not to exceed \$80,436.00; and

WHEREAS, as the Lead Agency for the shared service, the Board's contract with Temco includes an increase for year 2 of the contract; and

WHEREAS, the shared service agreement needs to be amended to

reflect year 2 cost of the service per the Lead Agency's contract;  
and

WHEREAS, the Township wishes to increase the shared services agreement by an amount not to exceed \$1,809.84, for a total agreement amount of \$82,245.84; and

WHEREAS, the Mayor and Township Council have indicated their desire to amend the agreement as set forth herein; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that an amendment to the shared services agreement be authorized with Marlboro Board of Education by an amount not to exceed \$1,809.84, for a total agreement amount of \$82,245.84; and

BE IT FURTHER RESOLVED funds for the 2014 portion of the increase and in the amount of \$904.92 have been certified by the Chief Financial Officer from account #01-201-26-122-288126; and

BE IT FURTHER RESOLVED funds for the 2015 portion of the contract will be certified by the Chief Financial Officer upon adoption of the 2015 Municipal Budget; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Marlboro Board of Education
- b. Township Business Administrator
- c. Department of Public Works

RESOLUTION # 2014-362

A RESOLUTION AUTHORIZING CONTRACT WITH AURORA ENVIRONMENTAL, INC. FOR THE PURCHASE, REPLACEMENT AND INSTALLATION OF A DIESEL FUEL DISPENSING AND MANAGEMENT SYSTEM FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS UNDER NJ STATE CONTRACT #75554

WHEREAS, the Department of Public Works submitted its 2014 capital plan which included a request (121-12) for the replacement of the diesel fuel storage tank; and

WHEREAS, the Marlboro Township diesel fuel dispensing and management system ("fuel system") is used to fuel Township, Board of Education, First Aid and Fire District vehicles throughout the Township; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and



WHEREAS, the Public Works Department has reviewed the information received and has recommended that AURORA ENVIRONMENTAL, INC be awarded the contract based upon the quotation received; and

WHEREAS, funds are available the in Account Number 04-215-14-03F-121297 and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to contract with AURORA ENVIRONMENTAL, INC whose address is 1102 UNION AVENUE, NJ 07735 for the provision of PURCHASE, REPLACEMENT AND INSTALLATION OF A DIESEL FUEL DISPENSING AND MANAGEMENT SYSTEM under NJ State Contract 75554 in an amount not to exceed \$77,186.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. AURORA ENVIRONMENTAL, INC
- b. Township Administration
- c. Township Department of Public Works
- d. Township Chief Financial Officer

RESOLUTION # 2014-363

WHEREAS, the attached list in the amount of \$4,939.43 known as Schedule "A", is comprised of amounts representing overpayments for 2014 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>2014 REFUND</u>
159/10.10		Laquinta, Francis 4 Saratoga Court Morganville, NJ Property Location: 4 Saratoga Court	4,939.43
			Total: 4,939.43

RESOLUTION #2014-364

WHEREAS, the attached list in the amount of \$106.49 known as Schedule "A", is comprised of amounts representing refund of hydrant meter deposits,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>Hydrant Meter Serial#</u>	<u>WATER CUSTOMER</u>	<u>AMOUNT</u>
73614790	Camelot@ Marlboro Urban Renewal LLC 433 River Road Highland Park, NJ 08904	106.49

RESOLUTION #2014-365

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 54,824.92 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 54,824.92 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-050 155 TANGLEWOOD PLACE	178/2/C0155	ACTLIEN HOLDING INC 45 W 45 <sup>TH</sup> STREET SUITE 1402 NEW YORK, NY 10036 ASSESSED OWNER: MARTINEZ C. & MARTINEZ E	3,898.15
2013-022 139 TENNENT ROAD	148/14	BRICKMAN & PINES MANAGEMENT, LLC 528 LAFAYETTE AVE HAWTHRONE, NJ 07506 ASSESSED OWNER: MANCINI, LEONE & LAURA	406.15
2012-067 5 DUGANS COURT	214/14	K.C.C. PROMISED LANDS, LLC 2560 ROUTE 22 EAST # 175 SCOTCH PLAINS, NJ 07076 ASSESSED OWNER: PARKER FAMILY FARM, LLC	42,052.70

2013-004 101/12  
140 TICETOWN ROAD

US BANK FOR FNA JERSEY BOI 8,467.92  
50 S. 16<sup>TH</sup> STREET SUITE 1950  
PHILADELPHIA, PA 19102  
ASSESSED OWNER:  
KONG, JASON Y,

TOTAL: 54,824.92

At 7:20PM, Council Vice President Mazzola moved that the meeting be adjourned. This was seconded by Councilwoman Marder, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Cantor, LaRocca).

MINUTES APPROVED: November 13, 2014

OFFERED BY: MARDER AYES: 3

SECONDED BY: METZGER NAYS: 0

ABSTAIN: CANTOR

ABSENT: LA ROCCA

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ALIDA MANCO,  
MUNICIPAL CLERK

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SCOTT METZGER,  
COUNCIL PRESIDENT